

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **PEDRO LUIS COLON MARTINEZ**
SSN xxx-xx-2014

CASE NO: **19-04438-ESL**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **MORENO LAW OFFICES LLC***

Total Agreed: **\$1,000.00** Paid Pre-Petition: **\$1,000.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$115,237.00 Estimated Priority Debt: \$367,133.95

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Sep 23, 2019 (Dkt 41)** **Plan Base: \$131,000.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **0 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtor has failed to submit evidence to sustain the value given to the properties listed in Schedule A.

-Debtor must submit evidence, of his income prior the filing of the petition, a certification from the employer of the company who contracted him for professional services

Debtor must submit copy of his drivers license since he is an independent truck driver living in the state of Florida. The license showed at the 341 meeting expired on August 2019.

Debtor must submit copy of bank account statements in Regions Bank for Feb 2019 to Oct 2019.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor must submit copy of the complaint filed on local court: Rosa Margarita Martinez vs Debtor CG2018C2509, liquidation of inheritance in order to be able to list all the property pertaining to his deceased father estate. Debtor testified among he must include additional properties that re part of his deceased father estate, several vehicles, Bank Account in COOP San Jose with a balance of \$ 240,000.00, Santander Securities valued in \$36,000.00.

Moreover, as per SOFA no, 5 Debtor received \$41,000.00 in 2017 form his father account in Oriental Bank (Inheritance Right) \$41,000.00. Debtor must explain how this amount was spent.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is 2 months, or \$200.00, in arrears with the Trustee. The Trustee objects the Motion Requesting Reconsideration of Dismissal in docket no. 109. A separate motion will be filed.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims. [1322(d)(1)]

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor must submit evidence of being current with post petition DSO payments until the confirmation of the plan. Debtor has 2 accounts that are being paid directly or through ASUME.

If a third party is making payment to this obligations it is necessary evidence demonstrating that the third party has the financial capacity to comply with the payments of theses obligations that total \$4,344.00.

Claim 10 - ASUME- Mary Rivera Rodriguez, claim for \$146,563.08- (\$3,290.00 per month) This amount is subject to litigation in local court, As per docket no. 51 Debtor alleges- "This Creditor, in a clear effort to mislead this Honorable Court, fails to acknowledge that there is a Nullity proceeding pending before the State Court regarding her DSO alleged monthly DSO payment and corresponding debt".

Claim 11 - ASUME- Sandra Pena Lopez, claim for \$74, 007.79 (\$1,054.00 per month)- This amount is subject to litigation in local court, As per docket no. 54 Debtor alleges he recently moved for revision of such obligation.

DSO claimant, Sandra Pena informed debtor is not making the DSO payments (Docket No. 104).

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of having filed 1040, since he is living in FL since 2014.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney throught CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550
Date: August 20, 2020

/s/ Nannette Godreau, Esq.